

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MICHAEL A. HANGMAN,

Case No. 21-CV-992 (SRN/KMM)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

SGT. FRANKLIN, PAUL SCHNELL,

Defendant.

On April 20, 2021, this Court directed Plaintiff Michael Hangman to pay an initial partial filing fee of \$85.06. [ECF No. 4]. On June 3, 2021, Mr. Hangman sought and received an extension of time to file his initial partial fee—the fee was due on August 9, 2021. [ECF Nos. 5, 7]. Mr. Hangman was warned that if he did not pay his initial partial fee, his action would be deemed abandoned, and it would be recommended that his case be dismissed without prejudice for lack of prosecution. [ECF No. 4 at 4], Fed. R. Civ. P. 41(b).

The August 9, 2021 deadline has passed without any correspondence or payment from Mr. Hangman. This, combined with his general lack of responsiveness, constitute a lack of prosecution. Accordingly, the Court now recommends that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute. It is also recommended that the pending application to proceed in forma pauperis [ECF No. 2] be **DENIED**.

Date: August 23, 2021

s/ Katherine Menendez

Katherine Menendez

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).